

## Joel Roberts Poinsett to Andrew Jackson, January 16, 1833, from Correspondence of Andrew Jackson. Edited by John Spencer Bassett.

JOEL R. POINSETT TO JACKSON.

(Private)

Charleston, January 16, 1833.

*My dear Sir,* I transmit herewith a Circular addressed by the governor of this state to the officers of his staff, instructing them to make conditional contracts and other dispositions for the transportation of troops from the interior to Charleston. No troops have yet been moved, but the governor's aids are already actively engaged in making the necessary arrangements in conformity with the instructions contained in this circular.<sup>1</sup>

<sup>1</sup> See the correspondence published in vols. VII. and VIII. of the *American Historical Review*, especially VII. 752–761.

I am somewhat at a loss how to act. I appointed some time ago a committee consisting of the ablest lawyers in the state for the purpose of taking into consideration the operation of the laws passed by our legislature in conformity with the ordinance, for the purpose of communicating to you the opinions of these Gentlemen drawn from an intimate knowledge of the law as well as a familiar acquaintance with the character and intentions of those, who may raise the question and those charged with executing the laws. They have not yet reported to me, and I regret this the more because I do not believe the revenue laws can be carried into effect by legal process, framed as the laws of the nullifiers now are; and I do not fully understand how the issue is to be brought about whereby we may stand forth in defence of the laws of the United States. I ought not to disguise from you, that even if

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the case should arise of the *Posse Comitatus* being called out by the U. S. Marshall, there exists a disinclination on the part of the majority of the Union party in Charleston to join in mortal conflict with their adversaries as a part of the Posse. There is scarcely a family wherein some member is not in the opposite ranks, and it is certain in such a contest father would be arrayed against son and Brother against brother. The opinion appears to prevail among them, that in taking this stand without any further authority from the federal government than a summons from the federal marshall, they would render themselves amenable to the laws of the state, should they fail and be taken prisoners. In my frequent conferences with my coadjutors I find, that they would prefer, that the Marshal should signify to the Judge, that he could not execute the law, and the Judge so certify to you, Whereupon you could issue your order calling out the militia and we would promptly obey the call. I know, that you would prefer and so would I infinitely, that the union party in the state should put down this rebellion themselves; but if I find, that the majority of the party are not disposed to aid me in this effort, I cannot expose a few brave men to the certainty of defeat. I shall leave nothing undone to bring them to this determination; but I have my doubts of success. The parties are so equally divided in the city, our opponents have the advantage of being able to organise and drill openly, and in the opinion of the multitude have the law on their side; So that our men are many of them intimidated. They fear too the arrival of troops from the Country and being overpowered by numbers. I think it proper to inform you of the objections made by a respectable number of the party in this city. I would not for the world you should ever suppose we had resolved upon a certain course of action and had not courage to carry it out. I shall go on with my preparations and it may be, that the consciousness of strength may give them resolution to act in support of the law, and save the state from disgrace.

Would not the raising, embodying and marching troops to Charleston be an act of overt treason? Would it not be humanity to prevent the accumulation of these forces in this city? We must either basely submit to be trampled upon by these tyrants, or resist the arrogance and contumely we should have to suffer from Satellites of Hamilton and Hayne

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if they do occupy Charleston in any force. Some of us never will submit to the tyranny and oppression of these arrogant and presumptuous men; but we shall have to contend against fearful odds if the federal government folds its arms and looks on without taking a part in the contest. I am very desirous government should determine what course it will pursue in such emergencies, not with a view of hastening on any conflict, for we will avoid that as long as it is safe and honorable to do so; but in order to be prepared to cooperate with you.

The recruiting in town goes on slowly. In the Country we understand five thousand Volunteers have offered their services to the governor. They have been assured however, whenever they showed any backwardness to sign the articles, that there would be no fighting if they did so. That they had only to put on a bold front and the government of the union would at once yield to their demands. There are it is true some rash and violent men, who desire to bring on a contest with us or with the general government. I almost wish they could be gratified.

I shall I hope in a few days send you the opinion of my legal committee and some more correct account of the number and disposition of our forces.

I am Dear Sir, very respectfully